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UNITED STATES DISTRICT COURT

DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA,)	Hon. Harold A. Ackerman
)	
Plaintiff,)	Civil Action No. 01-2120 (HAA)
v.)	NOTICE OF MOTION
)	
MARCO PAULO REBELO,)	
)	
Defendant.)	
_____)	

TO: Thomas E. Moseley, Esq.
One Gateway Center, Suite 2600
Newark, New Jersey 07102

PLEASE TAKE NOTICE that on September 13, 2004, at 10:00 a.m. or as soon thereafter as counsel may be heard, the United States of America (Janice Montana, Attorney for the Office of Immigration Litigation, appearing for the plaintiff), will apply to this Court for an Order for Summary Judgment, pursuant to Fed. R. Civ. P. 56 and L.Civ.R. 56.1 and for an Order striking Defendant's Exhibits C and D; and in the alternative, for an Order Striking Defendant's remaining Affirmative Defenses, to wit, Affirmative Defense numbers one through six, nine and ten, pursuant to Fed. R. Civ. P. 12(f) and L.Civ.R. 7.1(b).

This motion is being made in accordance with Order dated July 7, 2004, L.Civ.R. 7.1(b), the agreement of the parties and Appendix N Optional Procedure, as it presents dispositive and complex legal issues. It is supported by an accompanying Brief, Statement Pursuant to L.Civ.R. 56.1, three Declarations, attached exhibits, Reply papers and a proposed Order. Plaintiff requests that this motion be decided on the papers submitted, without oral argument, pursuant to Rule 78, Federal Rules of Civil Procedure.

Respectfully submitted,

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BY:


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